

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) RENEE' CORNWELL, an
individual; and
2) TERRY CORNWELL, an
individual,

Plaintiffs,

vs.

1) HCA HEALTH SERVICES
OF OKLAHOMA, INC.
d/b/a OU MEDICAL CENTER;
2) THE UNITED STATES OF
AMERICA, ex.rel, Veteran's
Administration Medical Center;
3) MONICA REID, M.D.;
4) ELISE ECKHARDT
SLAYBAUGH, M.D.;

Defendants.

Case No. 14-cv-213-JED-TLW

Judge John E. Dowdell

COMPLAINT

Come now the Plaintiffs, Renee' Cornwell and Terry Cornwell, individually and as wife and husband, by and through counsel of record, Stauffer & Nathan, P.C., and for their cause of action against the Defendants allege and state as follows:

1. Plaintiffs are citizens and residents of Tulsa County, State of Oklahoma.
2. Defendant HCA Health Services of Oklahoma, Inc., d/b/a OU Medical Center ("HCA"), is an Oklahoma corporation licensed to do business in the State of Oklahoma with its principal place of business in Oklahoma County, State of Oklahoma.
3. Defendant The United States of America, ex.rel., Veterans

Administration Medical Center ("VAMC") is agency of the federal government with its regional office located in Muskogee County, State of Oklahoma.

4. Defendant Monica Reid, M.D. ("Dr. Reid") is believed to be a resident of Oklahoma County, State of Oklahoma.
5. Defendant Elise Eckhardt Slaybaugh, M.D. ("Dr. Slaybaugh") is believed to be a resident of Oklahoma County, State of Oklahoma.
6. That Renee' Cornwell received medical treatment from Dr. Reid and Dr. Slaybaugh at Oklahoma City VA Medical Center ("VAMC").
7. That jurisdiction is proper in this Court under 28 U.S.C. § 1346(b)(1) and venue is proper in this Court under 28 U.S.C. § 1402(b).
8. That Renee' Cornwell was a patient of Dr. Reid and Dr. Slaybaugh in 2012, and was operated on by Dr. Reid and Dr. Slaybaugh at the VA Medical Center on May 11, 2012.
9. That the surgery performed on May 11, 2012, resulted in Renee' Cornwell's small bowel being sutured to her vaginal vault during a hysterectomy which resulted in a high-grade obstruction of the small bowel.
10. That Dr. Reid and/or Dr. Slaybaugh inappropriately sutured the vaginal vault with bowel omentum during vaginal hysterectomy.
11. That after the surgery, Renee' Cornwell experienced abdominal pain and obstruction which required further medical and surgical treatment.

12. That ten days after the surgery, on May 21, 2012, Renee' Cornwell underwent an exploratory laparotomy and then abdominal surgery to cut the sutures attaching her small bowel to the vaginal cuff.
13. That as a result of Defendants' negligence, Renee' Cornwell suffered severe pain, discomfort, and distress, an exploratory laparotomy and additional surgery, acute blood loss anemia, hypomagnesaemia, hypokalemia, prolonged hospital stay, loss of income, scarring and disfigurement which will require additional surgical repair, impaired digestive function, altered eating habits, continuing duress and stress, and additional medical expenses.
14. That as a result of Defendants' negligence, the injuries, pain and suffering, stress, medical treatment, medical expenses, and loss of income has had a debilitating effect on Renee' Cornwell, which has impacted the marital relationship of Renee' Cornwell and Plaintiff Terry Cornwell in a negative manner.
15. That Terry Cornwell has lost the services of his wife to which he became accustomed solely as a result of the neglect of one or more of the Defendants and is therefore entitled to damages for loss of consortium.
16. That at all times relevant hereto Dr. Reid and Dr. Slaybaugh were acting within the scope of their employment as agents, servants, or employees of HCA and/or VAMC.
17. That HCA was negligent in allowing Dr. Reid to operate on Renee'

Cornwell and for not monitoring, supervising, or managing the skills and performance of Dr. Reid.

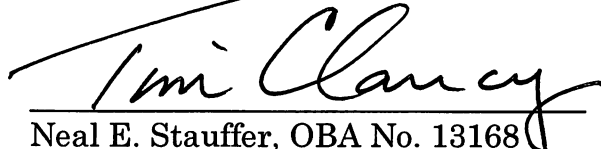
18. That HCA was negligent in allowing Dr. Slaybaugh to operate on Renee' Cornwell and for not monitoring, supervising, or managing the skills and performance of Dr. Slaybaugh.
19. That VAMC was negligent in allowing Dr. Reid to operate on Renee' Cornwell at its facility in Oklahoma City and for not monitoring, supervising, or managing the skills and performance of Dr. Reid.
20. That VAMC was negligent in allowing Dr. Slaybaugh to operate on Renee' Cornwell at its facility in Oklahoma City and for not monitoring, supervising, or managing the skills and performance of Dr. Slaybaugh.
21. That as a direct result of the negligence of the Defendants acting collectively or individually, Renee' Cornwell has suffered actual damages in excess of \$75,000.00 and punitive damages in excess of \$75,000.00, exclusive of interest and costs.
22. That as a direct result of the negligence of the Defendants acting collectively or individually, Terry Cornwell is entitled to actual damages in excess of \$75,000.00 and punitive damages in excess of \$75,000.00, exclusive of interest and costs.
23. That the Veterans Administration has denied Plaintiffs' claims as required by 28 U.S.C. § 2675(a) before Plaintiffs could seek recourse in this court. *See Denial Letter, attached as Exhibit 1.*

24. Pursuant to Title 12 O.S. § 19.1, an affidavit of consultation with a qualified expert is attached hereto as Exhibit 2.

WHEREFORE, premises considered, Renee' Cornwell and Terry Cornwell pray for a judgment against one or more of the Defendants for an amount in excess of \$75,000.00 for actual damages and for an amount in excess of \$75,000.00 for punitive damages, together with court costs, attorney fees, pre- and post-judgment interest, as well as any other relief this court deems just and proper.

Respectfully submitted,
STAUFFER & NATHAN, P.C.

By:

A handwritten signature in black ink, appearing to read "Tim Clancy", written over a horizontal line.

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